

AMENDED ORDINANCE NO. 3

ANIMAL CONTROL

SECTION 1 DEFINITIONS

- A. **Abandonment"** means failure to redeem an impounded animal within 72 hours of incarceration, leaving an animal in any place where it may suffer injury, hunger or exposure or become a public charge or changing residence and failing to move an animal within 24 hours.
- B. **Animal"** means all vertebrates except human beings.
- C. **Animal Control Center"** means the Flathead County Animal Control Center located on 225 Cemetery Road, Kalispell, Montana.
- D. **Bite"** means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.
- E. **Collar"** means a band, chain harness, or other suitable device worn on a dog to which a tag may be affixed. This instrument shall be substantial enough to endure the animal's activity without being lost or without inflicting pain to the animal.
- F. **Dog"** means any canine animal, of either sex (whether or not spayed or neutered) or any dingo, wolf, coyote, or cross that is being kept as a dog.
- G. **Kennel"** means any establishment where five (5) or more dogs over the age of four (4) months are kept.
- H. **License"** means a tag obtained from the Animal Control Center or participating veterinarian's office, which must be secured to a collar on the animal. Licenses shall not be transferable between animals. The term "tag" means "license".
- I. **License year"** means one (1) year from the date the license was issued.
- J. **Owner"** means every person who owns, harbors, or keeps a dog.
- K. **Rabies Vaccination"** means an inoculation administered by a veterinarian with any rabies vaccine, the use of which is licensed by the United States Department of Agriculture.
- L. **Running at Large"** means any dog which is off the premises of the owner and is not under the immediate and continued control of its owner or an authorized agent of the owner either by leash or voice and/or signal control; or by complete confinement within or restraint upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, are to be excluded from this definition.
- M. **Stray"** means any dog which does not have a current valid license, I.D. tag, or rabies tag attached to it, or a micro chip implant, and which is found off the property of the owner.
- N. **Veterinarian"** means a doctor of veterinary medicine holding a valid license to practice his or her profession.
- O. **Vicious Dog"** means any dog which bites or attempts to bite any human being without provocation and not in defense of person or property, or which harasses, chases, bites, or attempts to bite any other animal. Any dog, while running at large, which bites or attacks any person or animal shall be deemed to be a vicious dog.
- P. **Animal Control Officer"** means the Flathead County Animal Control Officer or any Flathead County Law Enforcement Officer.

Section 2
ENFORCEMENT/ANIMAL CONTROL OFFICER

The Animal Control Officer is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

The Animal Control Officer is authorized and empowered to apprehend and impound any dog found in violation of this Ordinance. It shall be unlawful and punishable under the penalty provisions of Section 12 of this Ordinance for any person to knowingly or intentionally interfere with any animal control officer in the lawful discharge of their duties as herein prescribed.

The Sheriff of Flathead County is authorized to enforce the provisions of this Ordinance.

Section 3
DOG LICENSING

A. **License.** It shall be unlawful for any person to keep, harbor, or maintain any dog over four (4) months of age in Flathead County, unless such dog is duly licensed or deemed exempt as herein provided. Licenses shall be issued by the Flathead County Animal Control Center, or obtained at a participating veterinarian's office.

Before a dog license is issued, the owner of such dog must present a certificate from a veterinarian stating that such dog has received a rabies vaccination. The certificate must show that the rabies vaccination is current. Licenses shall not be issued to any person under eighteen (18) years of age unless a parent or guardian signs the application as co-owner.

If during the license period the dog is sold, or title to said dog is otherwise transferred to a new owner, such new owner may apply to the Flathead County Animal Control Center for a transfer of such dog's tag and license. The fee for such transfer shall be one dollar (\$1.00). Upon such receipt of such fee, a tag shall be issued.

No refund shall be made on any dog license.

B. **Tags.** The Animal Control Center shall issue to the owner a tag imprinted with the license number. Such tag shall be worn on a collar. It shall be lawful to remove the collar only when the dog is under the immediate control of its owner or authorized agent.

In the event any tag is lost or destroyed, a duplicate may be obtained from the Flathead County Animal Control Center upon submission of such proof as may be required and upon payment of the sum of one dollar (\$1.00).

It shall be unlawful for any owner or any other person to use a tag on any dog other than the one for which it was issued.

C. **Exemptions.**

1. Any dog whose owner is a non-resident of Flathead County and who is temporarily within said County for thirty (30) days or less.
2. Any dog brought into Flathead County for the sole purpose of participating in a dog show or dog contest.
3. Dogs used as eyes for the blind or ears for the deaf.
4. Any government-owned police service dog, including search and rescue dogs is exempt from this Ordinance.

D. **License Fees.**

1. License fees shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal

Control Center and the Commissioners' Office.

E. **Failure to License a Dog.** Failure to license a dog in violation of this Ordinance shall constitute a misdemeanor. Any person violating any of the provisions of this section of this Ordinance, shall, upon conviction of the first offense be fined not more than thirty five dollars (\$35.00), and upon conviction of a second offense relating to the same dog be assessed a fine of not more than one hundred dollars (\$100.00). Conviction of three or more offenses shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

1. A citation or complaint issued for a third or subsequent offense shall require a mandatory appearance of the Owner before the Justice of the Peace.

F. **"City Dog Licenses-effect of":** Any current dog license tag issued annually by an incorporated city or town within Flathead County, Montana, pursuant to an Ordinance which substantially complies with this Ordinance and which provides for the wearing of the license tag upon the collar of the dog and the keeping of a record which established the identity of the person who owns, keeps or harbors the dog constitutes compliance with the licensing provision of the Ordinance.

Section 4 **DOGS RUNNING AT LARGE**

A. It shall be unlawful for any owner of a dog to allow it to Run at Large within Flathead County.

The above shall not prevent the owner or another person from having a dog on a public street, alley, or any public place within Flathead County if the dog is then and there controlled by such person by a chain or leash of not more than six (6) feet in length tied to the dog and held by such person. All dogs licensed or unlicensed running at large shall be impounded.

B. **Dogs in Heat.** Every person having under his control any female dog in heat (i.e., in the oestrual period) shall confine such a dog in a house, garage or other enclosed area. The female shall be confined in such a manner that said female cannot come into contact with a male dog except for planned breeding. Such a female dog not so confined is a public nuisance, and the owner or other person in control of such a dog is guilty of a misdemeanor. The Animal Control Officer or any Deputy may immediately abate such nuisance by impounding such dog.

C. Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

Nothing in this section shall be interpreted so as to restrict or prohibit the activities of dogs while being used as sled dogs, while hunting under control of their owner or while herding livestock.

Section 5

IMPOUNDMENT

A. The following are subject to impoundment:

1. Any dog being kept or maintained contrary to the provisions of this Ordinance.

2. Any dog running at large contrary to the provisions of this Ordinance.

3. Any dog which is required to be licensed by this Ordinance and is not licensed. A dog not wearing a current Flathead County tag shall be presumed to be unlicensed for the purposes of this Ordinance unless said dog falls under the provisions of Section 3, Parts C and F of this Ordinance.

4. Any sick or injured dog whose owner cannot be located.

5. Any abandoned dog.

6. Any dog held for quarantine.

7. Any stray dog.

8. Any vicious dog found in violation of Section 7 of this Ordinance.

B. **Pursuit of Dog:** The Animal Control Officer, or any Deputy Sheriff of this County, is hereby empowered and authorized to enter upon private property, including the premises of the dog's owner, in order to apprehend any dog which is running at large, in order to apprehend said dog. This Section does not, however, authorize the Officer or Deputy Sheriff to enter any private residence.

C. If such impounded dog has a license, the Flathead County Animal Control Center shall notify the owner of said dog, within one (1) business day, by telephone or personal notice, that the dog has been impounded and where it may be redeemed.

If, after 72 hours, an unlicensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.

If, after 96 hours, any impounded licensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.

D. **Impoundment Fees and Board.** An initial impoundment fee shall be charged for each dog and a board fee shall be charged for each day a dog is in the custody of the Animal Control Center or the Animal Control Officer. The refusal or failure of the owner of a dog to pay the impoundment fee and board fee after notification shall be deemed an abandonment of the dog by the owner. All veterinary bills or professional service bills incurred during the impoundment shall be paid by the owner in addition to the impoundment fee and board. These fees apply to each animal impounded.

Section 6

RABIES CONTROL

It shall be the duty of every person or owner keeping, harboring, or maintaining any dog (except a coyote or purebred wolf) over four (4) months of age to provide effective rabies vaccination for such dog. This provision shall not apply to:

A. Licensed veterinarians.

B. Grooming parlors.

Any person shall have the authority to order the owner of any dog showing symptoms of rabies or any dog which has bitten any person so as to cause an abrasion of the skin or any dog that has been bitten by or exposed to any animal suspected to have been infected with rabies to deliver such dog to the Flathead County Animal Control Center for quarantine for a period not to exceed fifteen (15) days. Such dog at the option of the owner may be quarantined under the supervision of a licensed veterinarian except as specified below:

1. In the case of an unvaccinated dog which is known to have been bitten by a laboratory-confirmed rabid animal, said bitten dog must be immediately destroyed.

2. In the case of a vaccinated dog which is known to have been bitten by a laboratory-confirmed rabid animal, said dog shall be revaccinated within 24 hours and quarantined for a period of thirty (30) days following revaccination. Said dog shall be destroyed if the owner does not comply with the provisions of this section.

It shall be unlawful and punishable by imprisonment in the Flathead County Jail not to exceed six months or by a fine not to exceed five hundred dollars (\$500.00) or both, for any person to refuse or fail to quarantine any dog as required by this Ordinance or to remove any dog quarantined under Section 6 of this Ordinance from the place of quarantine without written permission from the Flathead County Animal Warden or Flathead County Animal Control.

After the quarantine period, if the Flathead County Animal Control determines that the dog is free of rabies, the owner may reclaim the dog upon payment of the boarding and impoundment fees and any licensing fees.

If any dog under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and direction of the Flathead County Animal Control and/or licensed veterinarian.

Section 7 **VICIOUS DOG**

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Flathead County.

If any vicious dog is running at large or any dog appears to be mad or dangerous to the public, and it appears to the Animal Control Officer that it is necessary to kill such a dog in order to protect the public from the dog, the Animal Control Officer is hereby authorized to kill the dog.

If any dog, including but not limited to vicious dogs, bites a person living in Flathead County, such dog bite shall immediately be reported to the Flathead County Animal Control Center or the Flathead County Sheriff's Office. Any Animal Control Officer may issue a written order requiring the owner of such dog to surrender the dog to the Flathead County Animal Control Center or, at the owner's expense, to a licensed veterinarian. Such order may be served by the Animal Control Officer on the owner. If the owner cannot be found at his place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence. It is unlawful for any person to refuse or neglect to surrender any dog, within twenty-four (24) hours after the service of such order, and any Animal Control Officer shall seize and impound such dog at either the Flathead County Animal Control Center or a licensed veterinarian's office, at the owner's expense. In the event the owner is unknown or the dog is running at large, the Officer shall seize and impound the dog without notice. If the vicious dog is running at large and the officer is unable to seize and impound such dog, the dog may be killed by any law enforcement or animal control officer of this County without notice. All dogs impounded under this Section shall be quarantined for the period and under the same conditions as stated in Section 6.

Any owner who keeps, harbors or maintains a vicious dog in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00). It is the legislative purpose to impose absolute liability, as described in Section 45-2-104 M.C.A., for the conduct described in this Section. In addition, the Justice of the Peace or District Judge may order that the vicious dog be destroyed.

Section 8 **BARKING OR HOWLING DOGS**

It is unlawful for any person to own, keep, harbor or maintain any dog, which unreasonably annoys or disturbs any person by undue barking or howling.

Section 9
KENNELS

Owner's or operator's of a kennel shall complete a "Kennel Application Form" at the time of application for a kennel license. The form shall be provided by the Director.

The Director or the Director's agents shall have the authority to enter upon the premises in which a kennel is located, for the purpose of inspection for compliance with all state and county laws. The inspection of kennel facilities will be performed during regular business hours but on an unscheduled basis.

Section 10
DIRECTOR

The County Commissioners shall appoint a Director for the Animal Shelter. The Director shall administer the shelter on a daily basis and shall be responsible for budget, personnel and formation of policy. The Director shall report directly to the Board of County Commissioners and shall serve at their pleasure and under their direction.

Section 11
ANIMAL CONTROL CENTER FEES AND CHARGES

All fees charged by the Flathead County Animal Control Center shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Control Center, Treasurer's Office and the Commissioners' Office.

Section 12
VIOLATION

Unless otherwise stated herein, any person violating any part of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the County jail, or both, unless otherwise specified in this Ordinance.

All fines collected under this Ordinance shall be paid into the County Treasury and shall be used to pay fees, salaries, costs or expenses for the enforcement of this Ordinance.

Section 13
SEVERABILITY

If any provisions of this Ordinance is held to be invalid, such invalidity shall not effect other provisions which can be given effect without the invalid provisions. To this end provisions of this Ordinance are to be severable.

DATED this _____ day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Robert W. Watne, Chairman

By _____
Howard W. Gipe, Member

By _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By _____
Deputy

ORDINANCE ADOPTED 8/19/87
Ordinance Amended: January 24, 1989
Ordinance Amended: June 20, 1990
Ordinance Amended: November 10, 1997
Ordinance Amended: October 14, 2003

SCHEDULE OF FEES

License Fees.		
	Spayed or Neutered	\$ 5.00
	Unaltered	10.00
	Transfer Fee	1.00
	Duplicate Tag Fee	1.00
	Annual Kennel Registration Fee	50.00

Impoundment Fee	Licensed	Unlicensed
First Offense	\$ 10.00	\$ 20.00
Non-Neutered	\$ 20.00	\$ 30.00
Repeat Offense*	Double (\$20 or \$40)	Double (\$40.00 or \$60.00)
	*During same calendar year	
	<u>After-hours (5pm to 7am) impound - double the impound fee.</u>	

Daily Boarding Fee \$10.00 per day

Adoption Fees

Spayed or Altered Dogs	\$ 20.00
Unaltered Dogs	\$ 45.00
(Spay deposit of \$20.00 included)	
Spayed or Altered Cats	\$ 10.00
Unaltered Cats	\$ 25.00
(Spay deposit of \$10.00 included)	

Euthanasia Fee \$ 10.00

Fines:

Dogs Running at Large:	
First Offense	\$ 35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*
*Personal Appearance before Justice of the Peace	

No License:	
First Offense	\$ 35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*
*Personal Appearance before Justice of the Peace	

No Rabies Vaccination \$ 20.00

Dogs in Heat \$ 35.00

FEES ADOPTED: December 14, 1989
EFFECTIVE DATE OF FEES: January 14, 1990